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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/753,862

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Karine Luetgert

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7590

01/24/2007

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EXAMINER

KWIECINSKI, RYAN D

ART UNIT

PAPER NUMBER

3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/753,862

Applicant(s)

LUETGERT ET AL.

Examiner

Ryan D. Kwiecinski

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3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 13-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 38-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/07/2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Exhibits X,Y</u> .                     |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's response to the restriction received November 20, 2006 has been entered and carefully considered. Applicant elected Invention I with traverse including claims 1-12 and 38-50. Applicant's arguments have been fully considered, but they are not persuasive. Applicant argues that searching the three independent and/or distinct inventions would not cause a serious burden to the office. As was stated in the restriction requirement Invention II, the method of etching a door skin, is classified in class 216, subclass 29. Also Invention III, the etched plate for forming the wood grain pattern, is classified in class 425, subclass 470. Therefore the search for all three inventions would require a search in three different class/subclass. This search would cause a serious burden to the office. The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

The disclosure is objected to because of the following informalities:

Page 7, line 18: "process" appears it should be --processes--.

Appropriate correction is required.

### ***Claim Objections***

Claim 7 recites the limitation "said planar portion" in line 1, and claim 8 recites

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the limitation "said planar portions" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 11 and 48 are objected to because of the following informalities:

Claim 11, line 1: "grooves and" appears it should be --grooves, and--

Claim 11, line 2: "from" appears it should be --form--.

Claim 48, line 2: "grooves and" appears it should be --grooves, and--

Claim 48, line 2: "from" appears it should be --form--.

Claim 44 recites the limitation "said planar portion" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 47 recites the limitation "the door skin" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12, 38-50 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The tonal portions do not appear structurally related to the remaining device.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 and 38-48 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,534,352 to Pittman et al.

Claims 1 and 38:

Pittman et al. teaches a molded door skin per claim 1 and a molded construction component per claim 38 (Column 2, lines 5-7), comprising:

an exterior surface (shown surface, Exhibit X) having outer portions (A, Exhibit X) lying on a first plane;

spaced grooves (B, Exhibit X) recessed from the plane of said outer portions;

tonal portions (C, Exhibit X) having a planar area and a plurality of spaced depressions (D, Exhibit X) recessed from the plane of said planar area.

Claims 2 and 39:

Pittman et al. teaches a molded door skin of claim 1 per claim 2 and a molded construction component of claim 38 per claim 39, wherein said spaced grooves have variable depths (Column 2, lines 59-63) relative to the plane of said outer portions.

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Claims 3 and 40:

Pittman et al. teaches a molded door skin of claim 2 per claim 3 and a molded construction component of claim 38 per claim 40, wherein said spaced grooves are recessed from the plane of the outer portions from between about 0.05 inches to about 0.015 inches (Column 2, lines 59-63).

Claims 4 and 41:

Pittman et al. teaches a molded door skin of claim 1 per claim 4 and a molded construction component of claim 38 per claim 41, wherein said spaced grooves are variably spaced from each other (B, Exhibit X).

Claims 5 and 42:

Pittman et al. teaches a molded door skin of claim 1 per claim 5 and a molded construction component of claim 38 per claim 42, wherein said spaced grooves extend longitudinally (B, Exhibit X) relative to each other.

Claims 6 and 43:

Pittman et al. teaches a molded door skin of claim 5 per claim 6 and a molded construction component of claim 42 per claim 43, wherein said spaced grooves have variable lengths (B, Exhibit X).

Claims 7 and 44:

Pittman et al. teaches a molded door skin of claim 1 per claim 7 and a molded construction component of claim 38 per claim 44, wherein the plane of said planar portion is coplanar with the first plane of said outer portions (Fig. 3).

Claim 8 and 45:

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Pittman et al. teaches a molded door skin of claim 1, wherein said spaced depressions are recessed from the plane of said planar portions from between about 0.001 inches to about 0.003 inches (Column 2, lines 49-51 and 59-63).

Claims 9 and 46:

Pittman et al. teaches a molded door skin of claim 1 per claim 9 and a molded construction component of claim 38 per claim 46, wherein said tonal portions have differing densities of said depressions (D, Exhibit X).

Claims 10 and 47:

Pittman et al. teaches a molded door skin of claim 1 per claim 10 and a molded construction component of claim 38 per claim 47, wherein the door skin is manufactured from a material selected from the group consisting of sheet molding compound, polystyrene, polypropylene, steel, medium density fiberboard (Column 2, line 32), hard board, fiberboard, and thermoplastic material.

The wood composite substrate recited in Pittman et al. meets the limitation "fiberboard" recited in the markush group of the claims.

Claims 11 and 48:

Pittman et al. teaches a molded door skin of claim 1 per claim 11 and a molded construction component of claim 38 per claim 48, wherein said outer portions, said spaced grooves and said tonal portions form a wood grain pattern (Abstract).

Claim 12:

Pittman et al. teaches the door skin of claim 1, further comprising a stain on said exterior surface (Column 7, line 63-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Re. 36,240 (reissue of US 5,537,789) to Minke et al. in view of US 5,534,352 to Pittman et al.

**Claim 49:**

Minke et al. teaches a door (Abstract), comprising:

a peripheral frame (14, Fig.3); and

at least one door skin (24,26, Fig.2), said door skin having an exterior surface (28, Fig.2) with outer portions lying on a first plane (E, Exhibit Y, spaced grooves (F, Exhibit Y) recessed from the plane of said outer portions, and tonal portions (G, Exhibit Y), but does not teach wherein said tonal portions having a planar area and a plurality of spaced depressions recessed from the plane of said planar area.



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Pittman et al. teaches said tonal portions (C, Exhibit X) having a planar area and a plurality of said spaced depressions (D, Exhibit X) recessed from the plane of said planar area. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed Minke's door skin with depressions in the tonal portions in order to provide for a more aesthetically pleasing wood grain appearance on the exterior of the door. The inclusion of depressions in the tonal areas is well known in the art and is an obvious design choice to enhance the aesthetics of the door.

Claim 50:

Minke et al. and Pittman et al. teach the door of claim 49, wherein the door has two of said door skins secured to opposing sides of said frame (Column 4, lines 16-22).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

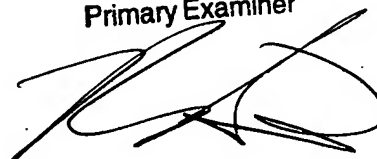
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RDK

Robert Canfield  
Primary Examiner



# EXHIBIT X

APP # 10/753,862

